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PLEASE PASS TO DOL, TINA MCCARTER, SHARON HELLER

E.O. 12958: N/A

TAGS: PGOV PREL ECON BL

SUBJECT: (UN) REQUEST FOR UPDATE OF WORST FORMS OF CHILD LABOR INFORMATION FOR MANDATORY REPORTING REQUIREMENTS

REF: STATE 184972

¶11. Laws and regulations proscribing the worst forms of child labor.

a) What laws and regulations have been promulgated on child labor, such as minimum age(s) for employment or hazardous forms of work?

The minimum age for child labor is 14. Under President Morales, the Government of Bolivia established age 18 as the minimum age for children to participate in the most hazardous forms of child labor. The policy framework for child labor is the National Plan for Progressive Eradication of Child Labor, 2000-2010. The policy framework was amended in 2006 to establish a more comprehensive policy on child labor, draw attention to the issue of child exploitation, and called for the formation of subcommittees on the worst forms of child labor.

b) If there is a minimum age for employment, is that age consistent with the age for completing educational requirements? Are there exceptions to the minimum age law?

The minimum age for employment is 14 and that age is consistent with the age for completing educational requirements. The exception to the minimum age law is that Bolivia does not provide a minimum age for apprenticeships.

c) Do the country's laws define the worst forms of child labor or hazardous work as the ILO defines those terms?

Bolivia defines the worst forms of child labor in very general terms, for example, working underground, trafficking in children, carrying excessively heavy loads, and working with chemicals. President Morales proposed a law defining the most hazardous forms of child labor, which include mining, working in sugar cane fields, cultivating Brazil nuts, and sexual exploitation, but the law has not yet been ratified by the Congress.

d) If the country has ratified Convention 182, has it developed a list of occupations considered to be worst forms of child labor, as called for in article 4 of the Convention?

Bolivia has ratified Convention 182. The GOB has developed a list of the worst forms of child labor but the list is currently with the commission and has not yet been ratified by the Congress.

¶12. Regulations for implementation and enforcement of proscriptions against the worst forms of child labor.

a) Has the government designated an authority to implement and enforce child labor laws?

The Ministry of Labor is the designated authority to

implement and enforce child labor laws.

b) What legal remedies are available to government agencies that enforce child labor laws (criminal penalties, civil fines, court orders), and are they adequate to punish and deter violations?

The Ministry of Labor has the authority to enforce child labor laws and inform local authorities of any child labor violations. The municipal governments conduct child labor investigations, but in reality, they have very few resources to follow through with investigations. In areas such as Potosi, where mining plays a vital role in the economy, the municipal government has little authority to deter families from sending their children to work in the mines.

c) To what extent are complaints investigated and violations addressed?

Child labor laws are generally not effectively enforced nor are violations adequately investigated in most areas of Bolivia due to resource constraints and/or a lack of will by municipal governments.

d) What level of resources does the government devote to investigating child labor cases throughout the country?

Under President Morales, the government has placed an increased emphasis on the issue of child labor. The GOB has raised the country's level of awareness of the hazards of child labor and has involved almost all government ministries in activities concerning the oversight and prevention of child labor, including the Ministry of Education, Ministry of Health, Ministry of Planning, and Ministry of Mining. While the issue of child labor is more of a priority for the

current government, there are still few concrete resources dedicated to child labor investigations.

e) How many inspectors does the government employ to address child labor issues?

The government employs about 15 inspectors throughout the country.

f) How many child labor investigations have been conducted over the past year? How many have resulted in fines, penalties, or convictions?

While the exact number of child labor investigations over the past year is unclear, in general, there have been very few investigations. Even fewer have resulted in fines, penalties, or convictions. The government has authorized a National Commission to investigate the child labor situation in Bolivia, but the investigation has not yet been conducted.

g) Has the government provided awareness raising and/or training activities for officials charged with enforcing child labor laws?

The government implemented an awareness campaign in airports and around border areas to prevent trafficking in children. The government works with multilateral and non-governmental organizations such as CARE, UNICEF, the International Labor Organization, the International Office on Migration, among others, to promote awareness about child labor issues.

13. Whether there are social programs to prevent and withdraw children from the worst forms of child labor.

a) What initiatives has the government supported to prevent children from entering exploitative work situations, to withdraw children engaged in child labor, and to advocate on behalf of children involved in such employment and their families?

A new initiative under President Morales is the "Juancito Pinto" program, a cash payment program conditioned upon school attendance. Under the Juancito Pinto program, the GOB

provides a disbursement of 100 bolivianos to families with school-age children at the beginning of the school year, and another 100 bolivianos if the child completes the school term. (Note: 100 bolivianos is equivalent to about USD \$12.50. End note). This new initiative promotes access to education while at the same time helps to prevent children from entering work situations.

A three-year subplan to combat child labor was adopted in 2005, and several improvements have been made to the plan. Under the auspices of the National Development Plan, the GOB has adopted a subcommittee for the protection of children, which is working to lay out specific laws.

The Ministry of Labor worked with UNICEF to publish books for children and their families describing child labor laws and individual rights for those working in sugar cane fields.

b) Does the government support programs to promote children's access to school and to enhance the quality and relevance of schooling?

The government supports programs to promote access to schooling and to enhance the quality of education. The most significant measure taken by the current government was the implementation of the "Juancito Pinto" program. The GOB is working with international organizations to promote education. For example, UNICEF has a program in Bolivia to provide birth registration and identification cards to children in order to facilitate access to schooling. The World Bank also provides funding for educational programs. The Morales government has stated that education is a priority, but it has few resources, outside of international donations, to improve the quality of public education.

c) Does the government provide support to vocational programs for older children that can serve as an alternative to work?

The government supports vocational programs through the assistance of international organizations and foreign assistance, including the U.S. Department of Labor.

d) Do the country's laws/regulations call for universal or compulsory education? Are these requirements enforced?

Bolivia's laws call for compulsory education for ages 6 to 13, but these requirements are rarely enforced.

e) Is education free or are fees charged for attendance, books, supplies, or transportation?

Public education is free, but fees are charged for books, supplies, and transportation. Bolivia has a free breakfast program for primary school children in several municipalities, which has helped to increase school attendance.

14. Does the country have a comprehensive policy aimed at the elimination of the worst forms of child labor?

a) Does the country have a comprehensive policy or national program of action on child labor? If so, to what degree has the country implemented the policy and/or program of action and achieved its goals and objectives?

Yes, the National Plan for Progressive Eradication of Child Labor, 2000-2010. The plan was amended and improved in 2006.

b) Has the government made a public statement/commitment to eradicate the worst forms of child labor?

The issue of child labor is more of a priority for the current government than for past recent governments. The government addresses and discusses the issue, but the laws have not changed significantly. The Morales government considers child labor to be a social problem, and there is better differentiation between the issues of child labor and child exploitation, which the government considers to be unacceptable. The government has made some progress by

proposing a law which identifies the worst forms of child labor, but the specifics of the law have yet to be decided and ratified by Congress.

15. Is the country making continual progress toward eliminating the worst forms of child labor?
a) What is the child labor situation in the country, and how has it changed over the past year?

While there is more awareness about the issues of child exploitation and child labor, the situation has not changed significantly over the past year. Child labor in the areas of mining, sugar cane, Brazil nut, and sexual exploitation continue to be a significant problem.

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